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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,690	01/31/2000	Steven Antosz	C99-879/US/1	3800

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EXAMINER

DETWILER, BRIAN J

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,690

Applicant(s)

ANTOSZ, STEVEN

Examiner

Brian J Detwiler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6,8-12 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6,8-12 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 8-12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,486,899 (Bush, Jr.) and U.S. Patent No. 6,380,951 (Petchenkine et al).

Referring to claims 4 and 10, Bush discloses in columns 1 and 2 a computer implemented apparatus for examining a supply chain. In column 1: lines 25-50, Bush specifically explains how supply chains are typically modeled within manufacturing environments. Complex manufacturing operations inherently comprise a plurality of areas, each being a separate entity of a supply chain. Bush further discloses in column 1: lines 54-64, a presentation interface or template for supplying a workspace to depict a desired supply chain. The workspace is further illustrated in Figure 3 and comprises predefined icons to depict various factors of the supply chain. In column 6: lines 51-62, Bush specifically discloses icons representing factors of an automotive supply chain. As will be understood after further inspection of the invention, Bush focuses purely on the visualization of supply chain logistics and therefore fails to provide a graphical method for the actual construction of supply chain models. In column 3: lines 54-60, Bush states only that a user interface is provided for inputting data. Accordingly, Bush fails to disclose a stencil for storing icons associated with the manufacturing areas. Petchenkine,

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however, discloses in column 1: lines 29-45, a graphical user interface for constructing a workflow operation. Although Petchenkin's invention is directed specifically toward a prepress operation, the interface could be generically applied to any sort of workflow or supply chain management system. A supply chain is merely a macro form of an assembly line in which materials are gathered and assembled to form a final product. In Figure 1, Petchenkin discloses a stencil (modules toolbar [106]) for storing icons associated with different steps in the prepress workflow. Icons are dragged from the stencil and dropped into palette [104] to construct the workflow. These icons could easily represent factors of a supply chain and be associated with a variety of manufacturing areas because the two models are so obviously similar. Regarding the perspective template, Petchenkin discloses in column 9: lines 25-42 that workflow configurations can be saved as a file and later opened via menu commands or keyboard shortcuts. The saved configurations inherently comprise a plurality of icons that are populated into the workflow framework. Petchenkin states in column 9: lines 31-33 that a user may have one saved configuration, or many, based on needs and preferences. Petchenkin thus suggests that a user can establish a single configuration to which all modifications and adjustments are applied. Therefore, in combination with Bush's invention, the saved configuration would serve as a perspective template for evaluating a manufacturing operation. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Petchenkin's interface for constructing a workflow/supply chain model in combination with Bush's supply chain logistics examining program. It would have been beneficial to combine the two inventions to create a single program and interface for constructing and analyzing the

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logistics of a supply chain model. Bush even states in column 2: lines 49-54 that his invention could be a part of a larger supply chain management system.

Referring to claims 2 and 8, Petchenkine explains in column 1: lines 37-45 that icons can be dragged from the stencil (modules toolbar [106]) to the template (design palette [104]).

Referring to claims 3 and 9, Bush discloses in Figure 3 icons connected to show a supply chain flow, and Petchenkine discloses in Figure 1 icons connected to show a workflow.

Referring to claims 5 and 11, the icons in the stencil disclosed by Petchenkine represent the process flow of a prepress operation. The different steps of a prepress operation and the icons that represent them are detailed throughout Petchenkine's disclosure.

Referring to claims 6 and 12, because Bush's invention is specifically directed towards the logistics of a supply chain model, it would have been obvious to use the configuration saving method of Petchenkine described above to create a logistics template.

Referring to claim 20, Bush introduces a system for analyzing a supply chain in columns 1 and 2. Bush further explains in column 3: lines 1-10 that one supply chain model "represents the tasks and resources associated with each product in a supply chain, preferably at multiple levels of detail or aggregation." Additionally, Figure 3 illustrates how suppliers can be geographically removed from one another. In column 3: lines 11-34, Bush explains how the system can help optimize the delivery of materials. Figure 2B shows a visual display of a template having a pre-arranged supply chain representation. In column 9: lines 66-67 and column 10: lines 1-6, Bush discloses that the visual display can be manipulated through rearrangement or rotation around an axis. Therefore, the supply chain model could be configured to provide information about the supply chain in a format oriented to a particular

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viewpoint of a participant in the supply chain. Bush, though, fails to disclose a stencil including a plurality of iconic representations of elements. Petchenkine, as mentioned above, provides such a stencil that can be used to design workflows. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions of Bush and Petchenkine for the motivation applied to claims 4 and 10 above.

Response to Arguments

Applicant's arguments filed 14 May 2003 have been fully considered but they are not persuasive.

Applicant first asserts that there is no motivation to combine the teachings of Bush and Petchenkine because there are no explicit teachings or suggestions to do so within the references themselves. Applicant is reminded that "there are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). In the instant case, motivation comes from the two latter sources. One of ordinary skill in the art would have needed an application with an intuitive graphical user interface to design the supply chains that are analyzed in Bush's invention. Petchenkine provides a solution that involves a prepress workflow operation that that looks structurally identical to a graphical representation of a supply chain. It thus would have been obvious to one of ordinary skill in the art, having these two references before him at the time the invention was made, to use Petchenkine's interface and construct the automotive supply chains disclosed by Bush.

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Applicant further asserts that Bush and Petchenkine, either alone or in combination, do not disclose a perspective template or a stencil. A thorough explanation is included in the rejections above detailing how and where these elements are disclosed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

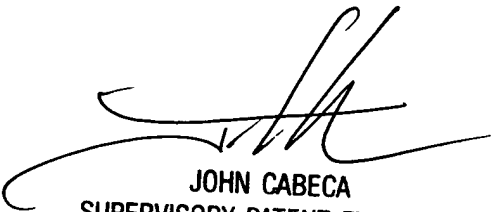
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bjd

June 30, 2003



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100